

## **REMARKS**

### **I. Introduction**

With the cancellation without prejudice to claim 25, claims 13 to 24, 26 and 27 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the present application is in condition for immediate allowance, and reconsideration is respectfully requested.

Applicant appreciates the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

### **II. Rejection of Claims 13, 15 to 19 and 21 Under 35 U.S.C. § 102(e)**

Claims 13, 15 to 19 and 21 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0183929 ("Tsuji et al."). It is respectfully submitted that Tsuji et al. do not anticipate these claims for at least the following reasons.

Claim 13 relates to a method for monitoring a blind spot located at a side of a motor vehicle to warn a driver of the motor vehicle that an object is located in a warning region. Claim 13 has been amended herein without prejudice to recite that the warning region is a predetermined warning region with respect to the motor vehicle and corresponds to the blind spot. Claim 13 recites that the method includes: determining a relative speed between the object and the motor vehicle; determining a travel direction of the object relative to the motor vehicle; determining a position of the object relative to the motor vehicle; and warning the driver if: (a) the travel direction of the object corresponds to a travel direction of the motor vehicle; (b) the relative speed between the object and the motor vehicle is within a predetermined range bounded by a lower range boundary and an upper range boundary, the predetermined range including a zero value; and (c) the position of the object is within the predetermined warning region.

According to Tsuji et al., a vehicle environment monitoring system detects an external object ***in front of*** a motor vehicle, to avoid potential collision against a large animal, such as a deer or bear. Paragraph [0002]. It should be readily apparent that Tsuji et al. are not concerned with monitoring a blind spot located at a side of a motor vehicle to warn a driver that: (1) a deer or bear is traveling in the direction of the motor vehicle; (2) a relative speed between a deer or

bear is within a predetermined range bounded by a lower range boundary and an upper range boundary and including a zero value; and (3) the position of the deer or bear is in the blind spot of the motor vehicle. Rather, the system described by Tsuji et al. is merely concerned with objects located in front of the vehicle. Furthermore, a warning according to Tsuji et al. is not conditioned upon a relative speed between an object and a motor vehicle being within a predetermined range bounded by a lower range boundary and an upper range boundary and including a zero value. The conditions (10a) and (10b) mentioned by Tsuji et al. do not constitute a disclosure, or even a suggestion, of the predetermined range as claimed. In this regard, Tsuji et al. would not appear to issue a warning if the relative speed between an object and the vehicle is zero since an object in front of a vehicle moving at the same speed as the vehicle would not lead to the possibility of a collision. In contrast, an object traveling in the same direction as a motor vehicle having a speed close to that of the motor vehicle and within the blind spot of the motor vehicle would lead to the possibility of a collision. However, the system described by Tsuji et al. is not disclosed to issue a warning under these conditions. As such, Tsuji et al. do not render unpatentable claim 13.

As for claims 15 to 19 and 21, which ultimately depend from claim 13 and therefore include all of the features included in claim 13, it is respectfully submitted that Tsuji et al. do not anticipate these dependent claims for at least the reasons more fully set forth above in support of the patentability of claim 13.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

### III. Rejection of Claims 13, 20 and 22 to 27 Under 35 U.S.C. § 102(b)

Claims 13, 20 and 22 to 27 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2003/0141762 ("Sartori et al."). It is respectfully submitted that Sartori et al. do not anticipate these claims for at least the following reasons.

As an initial matter, U.S. Patent Application Publication No. 2003/0141762 does not constitute prior art against the present application under 35 U.S.C. § 102(b). In this regard, U.S. Patent Application Publication No. 2003/0141762 was published on July 31, 2003, which is not more than one year prior to the October 2, 2003 international filing date of the present application.

Moreover, the present application claims priority to German Patent Application No. 102 47 290.4, filed on **October 2, 2002**, which is **before** the **July 31, 2003** publication date of U.S. Patent Application Publication No. 2003/0141762. A claim of priority to German Patent Application No. 102 47 290.4 was made, inter alia, in the “Declaration” submitted on September 8, 2005. The Office Action summary acknowledges receipt by the Office of the certified copy of the priority document. A certified English-language translation of the priority document will be submitted under separate cover.

U.S. Patent Application Publication No. 2003/0141762 is indicated to be based on PCT International Patent Application No. PCT/ES01/00057, which was filed on **February 16, 2001**, i.e., **after** November 29, 2000. PCT International Patent Application No. PCT/ES01/00057 was published as WO 01/61371 in **Spanish**. As such, U.S. Patent Application Publication No. 2003/0141762 does not constitute prior art against the present application under 35 U.S.C. § 102(e) or otherwise. In light of the foregoing, withdrawal of this rejection is respectfully requested.

Notwithstanding the above, it is respectfully submitted that Sartori et al. do not anticipate the present claims for at least the following reasons.

As indicated above, claim 13 has been amended herein without prejudice to recite that the warning region is a predetermined warning region with respect to a motor vehicle corresponding to a blind spot, which is located at a side of the motor vehicle. While Sartori et al. may refer generally to a blind spot, Sartori et al. do not disclose, or even suggest, that a warning is issued when the following three conditions are met: (1) a travel direction of an object corresponds to a travel direction of a motor vehicle; (2) a relative speed between an object and a motor vehicle is within a **predetermined range** bounded by a lower range boundary and an upper range boundary and including **a zero value**; and (3) a position of an object is within a **predetermined warning region** corresponding to a blind spot. Despite the contentions included in the Office Action, paragraph [0054] of Sartori et al. does not include a disclosure, or even a suggestion, of issuing a warning when the foregoing three conditions are met. Thus, based on the foregoing, it is respectfully submitted that Sartori et al. do not disclose, or even suggest, all of the features included in claim 13. Since claims 22 and 27 include features analogous to features included in claim 13, it is respectfully submitted that Sartori et al. do not anticipate claims 22 and 27 for at least the reasons set forth above.

As regards claim 20, which depends from claim 13, and claims 23, 24 and 26, which depend from claim 22, it is respectfully submitted that Sartori et al. do not anticipate these dependent claims for at least the reasons more fully set forth above.

As regards claim 25, claim 25 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claim 25.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claim 14 Under 35 U.S.C. § 103(a)**

Claim 14 was rejected under 35 U.S.C. § 103(a) as unpatentable over a combination of Sartori et al. and U.S. Patent No. 3,891,966 ("Sztankay"). It is respectfully submitted that the combination of Sartori et al. and Sztankay does not render unpatentable the present claim for at least the following reasons.

Claim 14 depends from claim 13 and therefore includes all of the features of claim 13. In addition, as mentioned above, Sartori et al. do not disclose or suggest all of the features of claim 13. Furthermore, Sztankay does not cure the deficiencies of Sartori et al. Accordingly, it is respectfully submitted that the combination of Sartori et al. and Sztankay does not render unpatentable claim 14 for at least the reasons set forth above in support of the patentability of claim 13.

In view of all of the foregoing, removal of this rejection is respectfully requested.

**V. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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